

62 Rec'd PCT/PTO

21 JUN 1999

PATENT
ATTORNEY DOCKET NO: 07217/012001

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ELECTRONIC DEVICE, the specification of which

☐ is attached hereto.

☒ was filed on December 4, 1998 as Application Serial No. 09/194,875

and was amended on _____

☒ was described and claimed in PCT International Application No. PCT/GB97/01513 filed on 6/4/97 and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE	PRIORITY CLAIMED
PCT/GB	PCT/GB97/01513	6/4/97	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: William J. Egan, III, Reg. No. 28,411, David J. Goren, Reg. No. 34,609, Bao Q. Tran, Reg. No. 37,955

Address all telephone calls to Bao Q. Tran at telephone number 650/322-5070.

Address all correspondence to William J. Egan III, Fish & Richardson P.C., 2200 Sand Hill Road, Suite 100, Menlo Park, CA 94025.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Paul Martin Kenny

Inventor's Signature: _____

Date: _____

Residence Address: East Kilbride, Scotland

Citizen of: United Kingdom

Post Office Address: 20 Larkspur Drive, Stewartfield, East Kilbride, Scotland G74 4TD

Full Name of Inventor: John Konstantelos Konstantelos

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Revised: August 24 1994 (39) DBCL.MRG)

COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED

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Inventor's Signature: J. Konstantelis Date: 21/5/99
Residence Address: Doncaster, United Kingdom
Citizen of: United Kingdom GBX
Post Office Address: 15 Crossways South, Doncaster, DN2 5SI United Kingdom

300
Full Name of Inventor: Mark Whitehead
Inventor's Signature: M. Whitehead Date: 21-5-99
Residence Address: Rotherham, United Kingdom
Citizen of: United Kingdom GBX
Post Office Address: 4 Harvest Close, Maltby, Rotherham, S66 8NZ, United Kingdom

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul Martin Kenny, et al.
Serial No.: 09/194,875
Filing Date: 12/4/98
Title : ELECTRONIC DEVICE

Art Unit: N/A
Examiner: N/A

VERIFIED STATEMENT OF FACTS UNDER 37 C.F.R. § 47 BY
JOHN KONSTANDELOS, MARK WHITEHEAD
AND JULIE A KENNY

Commissioner for Patents
and Trademarks
Box DAC
Washington, DC 20231

Dear Sir:

We, Julie A Kenny of Sheffield, United Kingdom, John Konstandelos of Doncaster, United Kingdom and Mark Whitehead of Rotherham, United Kingdom, do hereby declare:

1. John Konstandelos and Mark Whitehead, along with Mr. Paul Martin Kenny, are the co-inventors of the invention recited in claims 1-10.
2. A patent application covering the subject matter of the instant invention was filed on June 4, 1996 in Great Britain. On June 4, 1997, a PCT application having International Application No. PCT/GB97/01513 was filed. This application claimed priority from the Great Britain application filed June 4, 1996. The PCT application eventually published as International Publication No. WO 97/47169.
3. On May 20, 1998, Mr. Paul Kenny left the employment of Pyronix Ltd. This is a company in which he and his former wife, Mrs. Julie A. Kenny were founder members. The issue of ownership and transfer of shareholdings is the subject of protracted acrimonious legal proceedings.
4. On December 4, 1998, Pyronix Ltd. filed a U.S. national phase filing claiming priority to PCT application PCT/GB97/01513.

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5. On April 21, 1999, the United States Patent and Trademark Office sent a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office which requires an oath or declaration from of the inventors.

6. On May 11, 1999 Pyronix received Combined Declaration and Power of Attorney to be signed by inventors.

7. On May 18, 1999 a letter was sent to Dibb Lupton Alsop Solicitors asking for advise on how to proceed with obtaining Mr Paul Kenny's signature, but due to a refusal by Mr Paul Kenny to sign a previous Combined Declaration and Power of Attorney relative to a United States Patent Application and the fact that the time available for obtaining Mr Kenny's signature was limited, no further letters have been sent.

8. Pyronix had previously requested Mr Kenny's signature for another Patent Application in the United States and Mr. Kenny had refused to sign. Extracts from relevant correspondence are attached.

Letter 6.1.99 from Pyronix to Irwin Mitchell Solicitors

Letter 7.1.99 from Irwin Mitchell Solicitors to McCormicks Solicitors

Letter 7.1.99 from McCormicks Solicitors to Irwin Mitchell Solicitors

Letter 18.1.99 from McCormicks Solicitors to Irwin Mitchell Solicitors

Letter 26.1.99 from Irwin Mitchell Solicitors to McCormicks Solicitors

Letter 16.2.99 from McCormicks Solicitors to Irwin Mitchell Solicitors

9. Mr Kenny is continuing to refuse to sign the Declaration of the Inventors that is required by the Notification.

10. The undersigned hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: _____

Julie A. Kenny
Julie A. Kenny

Dated: 21/6/99

J. Konstandelos
John Konstandelos

Dated: 21/6/99

M. Whitehead
Mark Whitehead

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